

United States District Court
For the Northern District of California

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7 MARTHA BERNDT, et al.,

Plaintiffs,

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9 v.

10 CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

11 Defendants.
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13 NO. C03-3174 TEH

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**ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS FOURTH CAUSE OF
ACTION**

On May 24, 2004, Defendants filed a motion to dismiss the fourth cause of action from Plaintiffs' second amended complaint. Plaintiffs filed a statement of non-opposition to this motion on June 9, 2004. Accordingly, IT IS HEREBY ORDERED that Defendants' motion is GRANTED. Plaintiffs' fourth cause of action, for violation of 42 U.S.C. § 1985, is dismissed with prejudice.

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IT IS SO ORDERED.

23 DATED 06/15/04

/s/

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28 THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT